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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,194	03/08/2001	Bjoern Magnussen	ELLIP-002A	4082

7663 7590 02/23/2004

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
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BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**SUPPLEMENTAL  
Notice of Allowability**

Application No.

09/801,194

Examiner

Mark Budd

Applicant(s)

MAGNUSSEN ET AL.

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12-5-03.
2. ☐ The allowed claim(s) is/are \_\_\_\_\_.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

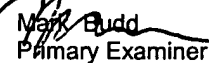
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

  
Mark Budd  
Primary Examiner  
Art Unit: 2834



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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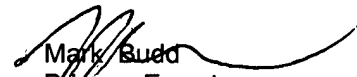
20040217

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

he amendment filed 12-5-03 has been entered.

  
Mark Budd  
Primary Examiner  
Art Unit: 2834

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**FACSIMILE COVER SHEET**

December 5, 2003

TO: Office of Patent Publication/Publishing Division  
COMPANY: USPTO  
FROM: Lowell Anderson  
OUR REF: ELLIP-002A YOUR REF: 09/801,194  
FAX NO.: (703)872-9306

NO. OF PAGES INCLUDING THIS COVER SHEET 6

**IF YOU DO NOT RECEIVE ALL OF THE PAGES OF THIS FAX OR IF THEY ARE ILLEGIBLE, PLEASE CALL LISA LI AT (949) 855-1246.**

MESSAGE:

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M  
2-17-04

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\* ADMITTED TO FLORIDA AND D.C. BAR ONLY  
† PATENT AGENT

ATTORNEY DOCKET NO.: ELLIP-002A

**CERTIFICATE OF TRANSMISSION**  
(§ 1.8)

I hereby certify that the papers as listed below are being Facsimile transmitted to the Patent and Trademark Office on the date shown below:

Date of Transmission: December 5, 2003

Signature: 

Name: Lisa Li

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Response to Notice of Drawing Inconsistency with Specification

**OFFICIAL****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Magoussen, <i>et al.</i>	)	Examiner:
Appl. No.:	09/801,194	)	Mark O. Budd
Filed:	03/08/2001	)	Group Art Unit: 2834
For:	VIBRATORY MOTORS AND	)	
	METHODS OF MAKING AND	)	
	USING SAME	)	

**RESPONSE TO NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Drawing Inconsistency with Specification mailed November 12, 2003, please amend the above-identified application as follows:


**REMARKS**

If any additional fees are required, please charge Deposit Account 19-4330.

Respectfully submitted,

Dated: 12/5/03

By:

  
Lowell Anderson  
Registration No. 30,990  
Stetina, Brunda, Garred & Brucker  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656  
(949) 855-1246  
(949) 855-6371 (fax)

T:\Client Documents\ELLIP\002a\Amendment after NOA.doc

**AMENDMENT TO THE SPECIFICATION**

Please amend lines 14, 15 and 29 as shown on the replacement page 17 attached herewith, which deletes the reference to Figures a-d.

OK to  
Correct  
mm  
2/17/04



*Replacement Page*

opening is optionally, but preferably defined in part by opposing sidewalls that are curved. The walls can be curved toward, or away from the opening and the piezoelectric element therein. Preferably the sidewalls are curved, and have a uniform cross section for a substantial portion of the length of the sidewall. A substantial length includes over half the length, preferably more, and ideally the entire length until the junction with the end walls is reached. Rectangular cross sections are preferred.

Given the present disclosure, further methods will be apparent to one skilled in the art to implement the above features and advantages, and the features and advantages discussed below. Further, other objects and features of the invention will become apparent from consideration of the following description taken in connection with the accompanying drawings, in which like numbers refer to like parts throughout.

**BRIEF DESCRIPTION OF THE DRAWINGS**

Figure 1 shows a plan side view. ~~Figures 1a-1d show a plan side view, side perspective view, end view, and bottom view, respectively,~~ of a first embodiment of this invention;

Figure 2 shows a top view of the vibratory element of Figure 1;

Figure 3 shows an end view of Figure 2;

Figure 4 shows a perspective view of a second embodiment of this invention;

Figure 5 shows a side view of a third embodiment of this invention using a C-clamp configuration;

Figure 6 shows a perspective view of a fourth embodiment of this invention driving multiple elements;

Figure 7a shows a perspective view of a vibratory element of this invention containing a press-fit piezoelectric element;

Figure 7b shows an enlarged portion of the vibratory element of Figure 7a during assembly;

Figure 8 shows a fifth embodiment of this invention having a press-fit piezoelectric element;

Figure 9 shows a top view of a press-fit embodiment before deformation;

Figure 10 shows a top view of the embodiment of Figure 9 after deformation by a cylindrical wedge;

Figure 11 shows a sectional view along line 11-11 of Figure 10;

Figure 12 shows a top view of an alternative embodiment of Figure 9 using a rectangular wedge;